

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JASON SOBERS,

Applicant,

v.

No. CV 11-0972 JP/WDS

WNMCF WARDEN,

Respondent.

ORDER

This matter is before the Court, *sua sponte* under rules 4, 11 of the Rules Governing Section 2254 Cases, for preliminary consideration of Applicant's Petition Under 28 U.S.C. § 2254 For a Writ of Habeas Corpus. The Court having determined that the application may not be subject to summary dismissal;

IT IS THEREFORE ORDERED that the Clerk is directed to add the name Robert Stewart as the named Respondent and to forward copies of this Order and the application to Respondent and the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondent answer said application within thirty (30) days from the date of service of this Order. Respondent's answer shall advise, but is not limited to, whether the Applicant has exhausted his state court remedies as to the issues raised in the federal application. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Applicant in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued

in Applicant's state court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the state procedures currently available to Applicant given the nature of Applicant's claims and their procedural history.

A handwritten signature in black ink, appearing to read "W. D. W. J. A. P. W. D. S.", written over a faint, circular, embossed seal.

UNITED STATES MAGISTRATE JUDGE